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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 RICHARD LEONARD COLE ,

9 Plaintiff,

10 v.

11 STEPHEN SINCLAIR et al. ,

12 Defendant.

CASE NO. 3:21-cv-05089-RSM-BAT

**ORDER DENYING MOTION FOR  
COUNSEL**

13 Plaintiff, a prisoner of the Washington Department of Corrections (DOC), filed a 42  
14 U.S.C. § 1983 civil rights action against several DOC officials and now moves for appointment  
15 of counsel. Dkt. 21. There is generally no right to counsel in a civil action. *See Campbell v. Burt*,  
16 141 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants  
17 under 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v.*  
18 *Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine if “exceptional  
19 circumstances” exist, the Court considers “the likelihood of success on the merits as well as the  
20 ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues  
21 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

22 Plaintiff requests the Court to appoint counsel because he has no legal training and has  
23 mental health problems. However, Plaintiff has been able to craft and file a lengthy complaint

ORDER DENYING MOTION FOR COUNSEL

1 detailing the events supporting his claims. The claims are not particularly complex nor is the law  
2 governing the claims. The Court concludes that Plaintiff has not established there are  
3 “exceptional circumstances” to support appointment of counsel at this time and **DENIES** the  
4 motion without prejudice. Dkt. 21. The Clerk shall provide a copy of this Order to plaintiff and  
5 counsel for defendants.

6 DATED this 12<sup>th</sup> day of May 2021.

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BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge